



# MEMO ENDORSED

U.S. Department of Justice

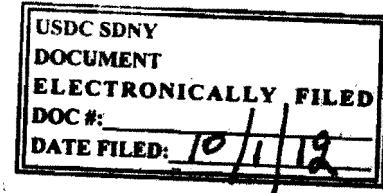
United States Attorney  
Southern District of New York

86 Chambers Street, 3rd Floor  
New York, New York 10007

September 28, 2012

**BY HAND**

The Honorable Lewis A. Kaplan  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007



Re: *United States of America v. Bank of New York Mellon Corp. et al.*  
11 Civ. 6969 (LAK)

Dear Judge Kaplan:

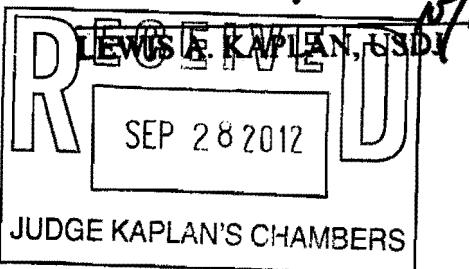
The Government writes respectfully to request a one-week extension of the deadline for the Government to respond to defendants' motions to dismiss the Second Amended Complaint in the above-referenced matter, from October 5, 2012, to October 12, 2012. This additional time is necessary to permit the Government to complete its response to the two motions filed by defendants and to obtain necessary review and approvals of the response. The Government further requests permission to file one 60-page brief in response to the two moving briefs filed by the defendants. The Government previously requested permission to file a 50-page brief, but has since determined that additional space is required to fully respond to all the arguments defendants raise in their motions totaling 63 pages.

This is the Government's second request for an extension of this deadline. Counsel for defendant David Nichols consents to this request and requests that defendants' reply deadline be rescheduled to November 12, 2012. We contacted counsel for defendant BNYM yesterday and sought consent, but have not yet received a response. A proposed Scheduling Order reflecting the proposed revised briefing schedule is enclosed herewith for the Court's review and approval.

Thank you for considering these requests.

SO ORDERED

*Granted*  
*he*



By:

Respectfully submitted,

PREET BHARARA  
United States Attorney

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